IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1503 OF 2002
WITH
CIVIL APPLICATION NO. 502 OF 2004
WITH
CIVIL APPLICATION NO. 880 OF 2005

Smt. Megha Mahadeo Uplane &: Ors. ... Petitioners

Vs.

Shivaji University, Kolhapur and 2 Ors.Respondents

Mr. Madan Phadnis with Mr. S.A. Dange i/by L.T. Satelkar for Petitioner.

Mr. R.G. Ketkar for R. Nos. 1 and 2.

Mr. A.P. Vanarse, A.G.P. for R. No. 3.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : APRIL 15, 2005

P.C.

. Rule. By consent heard forthwith.

. Petitioner No. 7 has resigned from service and consequently the petition as field by the Petitioner No. 7 has become infructuous.

. In so far as Petitioner No. 1 is concerned, he was holding the post of Lecturer. Against the said post one Smt. G.S. Patil has been selected. Once that be the case, Petitioner No. 1 is not entitled to be continued in service.

. On behalf of the Petitioner, learned counsel

points out that the person holding the post of Reader has been selected to the post of Professor and in these circumstances, Petitioner's services should be protected till such time as the post is filled in by duly selected candidate. The vacancy will arise not in the post of Lecturer but in the post of Reader when selected candidate is issued appointment letter and joined as Professor. In these circumstances, it will not be possible to issue any directions to the University to continue the Petitioner. It is for the management and the University if they are still inclined consequent on the post of Reader being filled to see if Petitioner No. 1 can be considered for continuance in the said post.

. In so far as Petitioner No. 2 is concerned, a duly qualified candidate has been selected and in these circumstances, Petitioner No. 2 can no longer continue in service on the duly selected candidate joining the post.

. In so far as Petitioner No. 5 is concerned, the post was reserved for VJ-A and a duly qualified candidate has been selected for the said post. In the light of that it will not be possible to continue Petitioner No. 5 in that post and he will

have to vacate the post on the duly qualified candidate joining the said post.

. Considering what is set out above, the Petition is disposed off accordingly.

. Rule made partly absolute accordingly.

. No order as to costs. Interim orders earlier granted to stand vacated.

. Both Civil Applications are disposed of as infructuous.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)